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California Rifle & Pistol Association,
Incorporated

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION

LANCE BOLAND, an individual;
MARIO SANTELLAN, an individual;
RENO MAY, an individual; JEROME
SCHAMMEL, an individual;
CALIFORNIA RIFLE & PISTOL
ASSOCIATION, INCORPORATED, a
California corporation,

Plaintiffs,

v.

ROBERT BONTA, in his official capacity
as Attorney General of the State of
California; and DOES 1-10,

Defendants.

Case No. 8:22-cv-01421-CJC(ADSx)

**PLAINTIFFS' EX PARTE
APPLICATION TO PERMIT
REMOTE TESTIMONY OF SELECT
PLAINTIFFS' WITNESSES
(STEPHEN HELSLEY, SALAM
FATOHI, CLAYTON CRAMER) AT
THE JANUARY 23 HEARING ON
PLAINTIFFS' MOTION FOR
PRELIMINARY INJUNCTION**

1 **TO THIS HONORABLE COURT:**

2 Plaintiffs Lance Boland, Mario Santellan, Reno May, Jerome Schammel, and
3 California Rifle & Pistol Association, Incorporated, hereby apply ex parte for the Court's
4 permission to allow their expert witnesses Stephen Helsley, Salam Fatohi, and Clayton
5 Cramer to testify remotely at the January 23, 2023, hearing on Plaintiffs' Motion for
6 Preliminary Injunction.

7 On December 14, 2022, this Court entered an order requiring an evidentiary
8 hearing on Plaintiffs' motion for a preliminary injunction, to include live percipient and
9 expert testimony, at the hearing on January 23, 2023. ECF No. 35. Plaintiffs Boland and
10 May are prepared to appear in person as directed and provide live percipient testimony.
11 Plaintiffs also seek to produce Stephen Helsley, Salam Fatohi, and Clayton Cramer as
12 expert witnesses.

13 However, and unfortunately, Mr. Helsley currently has health issues that limit his
14 mobility and he is unable to travel to the courthouse in Orange County from his home in
15 El Dorado Hills, California. Declaration of Sean A. Brady in Support of Plaintiffs' Ex
16 Parte Application, "Brady Decl." ¶3.)

17 Mr. Fatohi resides in Farmington Hills, MI, is traveling to Las Vegas, Nevada for
18 work from January 15 through January 19, and needs to return to Michigan for work and
19 personal matters on Friday, January 20. Having to travel the long distance back to
20 California the following Sunday (two days later) through Monday would be extremely
21 burdensome on both his work and family schedules. Brady Decl. ¶4.

22 Mr. Cramer lives near Boise, Idaho, and is unable to travel as far as California for
23 the hearing on January 23, due to health issues that can be exacerbated by travel and
24 might impact his ability to testify. Brady Decl. ¶5.

25 Mr. Helsley's, Mr. Fatohi's, and Mr. Cramer's testimonies will be valuable to the
26 Court in this proceeding and at this hearing, and therefore Plaintiffs respectfully request
27 permission to allow them to appear remotely through a videoconference platform or,
28 alternatively, via telephone.

1 Plaintiffs, through their counsel, informed opposing counsel Gabrielle Boutin of
2 their request for this relief on January 17 via telephone and email, and provided all
3 moving papers to her via email on January 18, 2023. Brady Decl., ¶7. Ms. Boutin's email
4 address is Gabrielle.Boutin@doj.ca.gov. Ms. Boutin's state bar profile indicates that her
5 mailing address is: Office of the Attorney General, PO Box 944255, Sacramento, CA
6 94244, and phone number is (916) 210 6053. *Id.* Ms. Boutin indicated that Defendant
7 does not oppose this ex parte request. *Id.* at ¶6.

8 Plaintiffs bring this application with good cause. The Court announced that it
9 believes live percipient party and expert witness testimony is necessary for it to
10 adjudicate Plaintiff's motion for preliminary injunction. Plaintiffs want to honor the
11 Court's request but three of their expert witnesses are unfortunately unable to appear in
12 Court physically due to health conditions and conflicting schedules.

13 This application is based on this application, the memorandum of points and
14 authorities, declaration of Sean A. Brady, as well as all records currently on file and any
15 oral argument this Court may request.

16
17 Dated: January 18, 2023

MICHEL & ASSOCIATES, P.C.

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19 /s/ Sean A. Brady
20 Sean A. Brady
21 *Counsel for Plaintiffs*
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CERTIFICATE OF SERVICE

IN THE UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Case Name: *Boland, et al. v. Bonta*

Case No.: 8:22-cv-01421-CJC(ADSx)

IT IS HEREBY CERTIFIED THAT:

I, the undersigned, am a citizen of the United States and am at least eighteen years of age. My business address is 180 East Ocean Boulevard, Suite 200, Long Beach, California 90802.

I am not a party to the above-entitled action. I have caused service of:
**PLAINTIFFS' EX PARTE APPLICATION TO PERMIT REMOTE TESTIMONY
OF SELECT PLAINTIFFS' WITNESSES (STEPHEN HELSLEY, SALAM
FATOHI, CLAYTON CRAMER) AT THE JANUARY 23 HEARING ON
PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION**
on the following party by electronically filing the foregoing with the Clerk of the District Court using its ECF System, which electronically notifies them.

Robert L. Meyerhoff, Deputy Attorney General
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300 South Spring Street, Suite 1702

Los Angeles, CA 90013-1230 I declare under penalty of perjury that the foregoing is true and correct.

Executed January 18, 2023.


Christina Castron

CERTIFICATE OF SERVICE.